

Cambodian crisis

What Can Congress Do Now?

By Tom Wicker
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Many members of Congress, in both parties, now are reacting to President Nixon's re-escalation of the Vietnamese war with as much anger as the "doves" used to direct at Lyndon B. Johnson, one useful but limited result is already apparent.

For decades now, the major direction of political thought in America has been to build up the powers of the presidency, direct and implied, as against the powers of the legislative branch.

While this had much to recommend it in some areas of policy, the result was to accelerate the diminution of congressional prestige and prerogative and to blind the Nation to the possible menace of the power center it was creating in the White House.

Mr. Johnson first, and now Mr. Nixon, have done much to strike away the blinders; a whole generation of potential leadership is coming out of the universities convinced that the presidency is a virtually unchallenged despotism. They are determined in some vague way to "change the system."

But for the moment, what can really be done by Congress or anyone else about Mr. Nixon's decision to invade Cambodia and reopen the bombing of North Vietnam? The latter of those operations, incidentally, was to have been carried out in secrecy, despite this Administration's talk of bridging the "credibility gap" dug by Mr. Johnson.

And there was for neither assault the slightest sanction in the presidential voting of 1968, or in anything authorized by Congress since then.

There are several things Congress could do. It could, for instance, repeal the Tonkin Gulf resolution, which gives the war a thin film of legitimacy. But Mr. Nixon would be likely—based on his performance so far—to take that view. Mr. Johnson took, that even "if the resolution is repealed I think I could still carry out our commitments."

in Southeast Asia, and to go right on fighting his war as commander in chief.

PASS

Congress could also pass a resolution prohibiting American military action in Cambodia — just as, last winter, it passed a resolution barring the use of ground troops in

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Laos or Thailand (a clear indication of anti-escalation sentiment that Mr. Nixon chose last week to ignore, although the White House said at the time that the resolution comported with his policy).

Again, Mr. Nixon might well find means to ignore such a resolution, or to claim that it invaded his prerogatives as commander-in-chief and chief executive, and his duty to protect the national interest.

The President would be more seriously hampered if Congress refused any further funds for the war in Cambodia, or in Southeast Asia altogether. Even in that case, there might be enough "in the pipeline" or on hand or available in contingency funds and supplies for him to keep the war going for some time.

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But Mr. Nixon's real defense against any of these steps, even against the "political" Congress, obviously, is going to be reluctant to appear to be hamstringing the

President in the necessary conduct of foreign policy. It will not eagerly put itself in position for Mr. Nixon and Vice President Spiro Agnew to declare that it is aiding and abetting a Communist enemy.

A President, of course, is presumed, usually falsely, to "have all the facts"; some members therefore will not wish to pit their judgment against Mr. Nixon's, although on his record so far, it is hard to see why. Most seriously, no member will wish to refuse supplies or support for troops in the field, whose lives may be endangered and who did not in most cases, after all, choose to be where they are.

In short, in the absence of overwhelming public demand, the likelihood that Congress will do any of these things is not great; nor can any of them be clearly viewed as the right course of action. Yet, the meaning of congressional impotence now would be clear — and most particularly to that large group of Americans who have spent their youth in profound opposition to an undeclared war, of no clear purpose, with no discernible end.

It will mean that one man, and one man alone, however narrowly elected and for

whatever reason, holds in the world's oldest democracy the absolute power of war and peace, life and death, perhaps even survival and extinction.

If that is indeed the pragmatic fact, it is repugnant to the Constitution, the democratic theory, and to American ideals; and if that is indeed what "the system" has come to, it ought to be changed.

That is why Congress, with its constitutional power to declare war, must make some effort to check and to balance unlimited presidential power. And the strongest weapon may well be Congress' own warmaking power. If Congress were to vote on a resolution declaring war on North Vietnam, that would drive the issue to the debate on that ultimate question of the public and political legitimacy of the war that neither Mr. Johnson nor Mr. Nixon have had to face so far.

It is much to be doubted that the President would wish to win — certainly he would not want to lose — such a vote to declare war, and the mere threat that the democratic leadership is prepared to push for it might well re-establish some congressional influence in policymaking.